IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6158 of 2005

Between:

Surabhi Veeraswamy S/o. Late Surabhi Sathaiah,
R/o. Bonthapally Village, Jinnaram Mandal, Medak District.

..... PETITIONER

AND

1 The District Collector, Medak District.
2 The Joint Collector, Medak District at Sanga Reddy.
3 J. Eswara Prasad S/o. J. Sambasiva rao
R/o. C-II/7, Bapunagar, New Delhi.
4 Smt. P.S. Rajyalakshmi W/o. P. Surendra Chowdary,
R/o. 3-4-874/1, Barkatpura, Hyderabad.

5. Sri D.Avanindar Kumar S/o.D.Papa Rao, 54 years Plot No.88, Gunrock Enclave, Secendurabad.

6. C.M.Prakash R/o.S/o.late C.Mallaiah, 56 years 11/2, Siva Arun Colony, West Marredpally, Secunderabad.

RR 5 & 6 impleaded as per C.O., dated 4-4-2005 in WPMP9664 of 2005.(RR 5 & 6 are representing as GPA holders to RR 3 & 4)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the Nature of WRIT OF MANDAMUS to direct the respondent No.1 herein to order Transfer of Appeal Case No. J/16/Inams/97 from the File of the Joint Collector, Medak District at Sanga Reddy to any other officer equivalent to the rank of the 2nd respondent and direct the said officer to dispose of the said appeal on its merits, after affording sufficient opportunity to the petitioner herein to put forth his case personally, in the Wake of the alleged compromise story concocted by the respondents 3 and 4 herein.

Counsel for the Petitioner:MR.K.R.SASIDHARAN
Counsel for the Respondent No.: GP FOR REVENUE
Counsel for respondents 3 & 4: K.Ravindra Kumar.
The Court at the stage of admission made the following :

O R D E R:

The petitioner herein claims to be the owner of different extents of land situated in Gummadidala village, Jinnaram Mandal, Medak District. It is stated that his grandfather S.Narasagoud was declared as protected tenant in respect of the lands in question. It appears that there are rival claims between the successors of S.Narasagoud including the writ petitioner and the respondents 3 and 4 herein who claim to be the purchasers of the said land from Inamdar. For the purpose of present case, it is not necessary to go into the rival claims in detail, but suffice it to mention that aggrieved by the order of the Revenue Divisional Officer, Medak, dated 11-04-1997 made under the provisions of the A.P. (Telangana Area) Inam Abolition Act, 1955, the respondents 3 and 4 herein filed an appeal before the second respondent –Joint Collector, Medak District and the same is pending. The writ petitioner herein is the 5th respondent in the said Appeal. Now, this writ petition is filed seeking a Writ of Mandamus directing the first respondent - The District Collector, Medak District to transfer the said Appeal from the file of the second respondent – The Joint Collector, Medak District at Sangareddy to any other officer equivalent to the rank of the second respondent alleging that at the instance of the respondents 3 and 4 herein he has signed certain documents under a bona fide impression that the said documents are nominal and do not in any way affect his rights in respect of the land in question, however, subsequently he came to know that on the basis of the documents signed by him, the respondents 3 and 4 are taking steps to get the Appeal closed as compromised. The petitioner contends that he is not willing for any such compromise and to forego his rights in respect of the land in question and therefore he approached the second respondent and brought to his notice the alleged fraud played by the respondents 3 and 4 and requested to take necessary

action, but he refused to entertain the request of the petitioner and has been proceeding to dispose of the Appeal. Hence, this writ petition.

I have heard the learned Counsel for both the parties and perused the material on record.

The learned Counsel for the petitioner contends that since the petitioner apprehends that the appeal pending on the file of the 2nd respondent may not be disposed of impartially on merits, it is necessary in the interest of justice to transfer the appeal as sought by the petitioner.

On behalf of the respondents 3 and 4, a counter-affidavit has been filed denying all the allegations made by the petitioner and contending that the writ petition is misconceived .

The learned Counsel for the respondents 3 and 4 submitted that the appeal was already heard and it is reserved for orders and therefore no relief as prayed for can be granted at this stage.

The allegations made by the petitioner, which apparently involve several disputed questions of fact, particularly in the absence of any material to substantiate the same cannot be enquired into by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Hence, I do not find any justifiable reason to grant the relief as prayed for. Instead, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to raise all the objections that are pleaded in this writ petition before the Joint Collector within a period of two weeks from today, in which event the 2nd respondent - Joint Collector shall consider the same and record findings thereon while disposing of the main appeal. There shall also be a further direction to the second respondent to dispose of the appeal as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

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11th April, 2005

Note:

Issue CC in three days.

B/O

mrb

To

1 The District Collector, Medak District.
2 The Joint Collector, Medak District at Sanga Reddy.
3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

4. Two CD copies.